

SUMMARY OF CONCLUSIONS OGDEN RIVER DECREE

PARAGRAPH 1: The legal steps have been taken.

- 2: The tabulation is made a part of the determination.
- 3: This is the final decree.
- 4: This decree is for the Ogden River and Northside tributaries to the Weber.
- 5: For this decree the term "Weber River" means the Ogden, etc.
- 6: The terms "Ogden River" and "Lower Valley" does not mean the tributaries below the confluence with the Weber.
- 7: Upper Valley Users----- Rights 154 - 392
Lower Valley Users----- Rights 1 - 36 and Ogden City.
- 7a: Ogden City gets Cold Water Creek, Warm Springs Creek and Springs and Wheeler Creek to the limit of its intake plus 22 c.f.s. from 48 artesian wells.

Ogden City exchanges use of 4500 shares of stock in Ogden River Water User's Association for the artesian water, the 4500 shares to be distributed by the commissioner.

- b. The Lower Valley Users prior right to 135 c.f.s. without regard to high and low.
- c. A gaging station at the mouth of Ogden Canyon measures amount to Lower Valley Users plus whatever amount goes to Utah Power and Light Company.
- d. Gauging stations will measure water into Pineview Reservoir and on Wheeler Creek.
- e. 135 % of the flow in South Fork represents the total flow into Ogden Valley.
- f. Upper Valley Users can use excess waters after Lower Valley uses are satisfied.
- g. When the water to Lower Valley falls below 135 c.f.s., the flow will be made up from the Upper Valley.

- Lower rights first?*
8. Describes the breakdown of information in the tabulation.
 - a. When there is only enough water other than storage water to satisfy 'Low' rights, the users can only divert the "low" quantity except for storage rights. Some rights are not effected where the source would not otherwise contribute to the lower users.
 - b. When the water supply is greater than 'Low' and less than or equal to 'High' except for storage rights, the river is considered to be at High water stage and rights are limited to the "High" quantity except that it shall be distributed by priority. Non contributing streams are exempt.
 - c. In supplemental water rights the primary and supplemental supplies cannot exceed the High or Low rights tabulated excepting storage water.
 - d. Abbreviations defined.

- 9a. Rights shall be shut down by order of priority, first all rights subsequent to March 1903, then 'High', then 'Low' with certain exceptions and modifications.
- b. The irrigation period shall be that when the water can be beneficially used on agricultured crops between March 1 and November 1.
- c. No further appropriations may be made on the Weber River except by application to the State Engineer.
- d. Perfected rights shall be considered as being added to this adjudication as would be certain court cases then pending.
- e. Irrigation right holders also have a domestic and stockwatering right equal to 5% of the "Low" right from the same source and by the same means of conveyance. This will not be allowed in a canal or ditch concurrent with the irrigation water.
- f. The title to the rights can be transferred.

10. For Lower Valley Users "High" water is distributed by proportion of high water right held. "Low" water is diminished by priority.

11. Certain rights on South Fork shall be distributed by percentage rather than priority.

- 12a. Liberty Irrigation Company has a prior use of 48.36 c.f.s. of South Fork less the domestic water to the town. The domestic right is January 1 to December 31.
- b. Certain individuals have domestic and stockwatering rights of 0.4 c.f.s. from North Fork except that it is included in irrigation water when available.
- c. Certain individuals have rights to the flow of Durfee Springs.
- d. Right No. 260 has a prior right to 0.4 c.f.s. on Cold Canyon Creek.
- e. Huntsville has a prior right on Bennett Springs until the flow on the upper spring is less than 1 c.f.s., then 0.4 of that flow.

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- f. When Wester Creek falls below 6 c.f.s. the flow is distributed proportionally rather than by priority.
 - g. Lime Kiln Spring will be distributed proportionally by turns.
 - h. Grove Spring will be distributed proportionally by turns.
 - i. Low Water on Cole Canyon will be as scheduled.
 - j. Chicken Creek will be proportioned.

13 a&b. Liberty Spring Creek is distributed on turns.

- 14a. Rice Creek Irrigation Company has prior right on 1.44 c.f.s. on North Ogden Canyon. During non-irrigation season they have sole right for municipal use and for recharging underground water. Irrigation water over 1.44 c.f.s. shall be distributed by turns.
 - b. The use of Shaw Spring and Spring Creek defined.
15. The costs of judgement are assessed against users in proportion to rights.
16. The adjudication is binding on all parties.